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Attorneys for Plaintiff

Adlife Marketing & Communications Company, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ADLIFE MARKETING &
COMMUNICATIONS COMPANY, INC.,

Plaintiff,

vs.

POPSUGAR, INC.,

Defendant.

)

) CASE NO. 3:19-cv-00297-LHK

)

) **DECLARATION OF JOEL ALBRIZIO IN
SUPPORT OF MOTION TO DISMISS
PURSUANT TO FRCP 41(a)(2) BY
PLAINTIFF ADLIFE MARKETING &
COMMUNICATIONS COMPANY, INC.**

)

) Date: March 26, 2020

) Time: 1:30 p.m.

) Court: 8 (San Jose) (Hon. Lucy H. Koh)

)

) Trial Date: September 14, 2020

)

**DECLARATION OF JOEL ALBRIZIO IN SUPPORT OF MOTION TO DISMISS
PURSUANT TO FRCP 41(a)(2) BY PLAINTIFF ADLIFE MARKETING &
COMMUNICATIONS COMPANY, INC.**

1 I, Joel Albrizio, state as follows for my declaration:

2 1. I am the President and corporate representative of Plaintiff Adlife
3 Marketing & Communications Company, Inc. ("Plaintiff").

4 2. I offer this declaration in support of Plaintiff's motion to dismiss
5 pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

6 3. Unless otherwise indicated, I have personal knowledge of the facts set
7 forth in this declaration and, if called as a witness, I could and would testify
8 competently thereto.

9 4. Plaintiff is an advertising and marketing company located in Pawtucket,
10 Rhode Island. Among the services offered by Plaintiff is licensing digital images for
11 customers in the food industry.

12 5. Plaintiff had a good faith belief that defendant Popsugar, Inc.
13 ("Defendant") had infringed Plaintiff's copyright in the photograph at issue (the
14 "Photograph") when it filed this action.

15 6. Plaintiff knew the Photograph is a copyrighted work owned by Plaintiff
16 and that Defendant published the Photograph on its website without Plaintiff's
17 permission or consent or a license from Plaintiff itself.

18 7. Plaintiff acquired the rights to the Photograph by an agreement entered
19 into on or about January 27, 2017 with Mr. Bedell by which Plaintiff acquired the
20 rights to several thousand copyrighted photographs from Mr. Bedell.

21 8. As a result of administrative oversight and clerical error, Plaintiff did not
22 realize that Mr. Bedell had granted a license to Defendant until Mr. Bedell produced
23 documents in this lawsuit.

24 9. After reviewing Mr. Bedell's documents, Plaintiff reviewed its own
25 internal documents and confirmed the license from Mr. Bedell to Defendant.
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27

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I declare under the laws of the United States of America that the foregoing is true and correct. Executed on November 20, 2019 at Pawtucket, Rhode Island.

JOEL ALFIZIO
PRESIDENT
ADULTER MARKETING &
COMMUNICATIONS

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